

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re GOOGLE ADVERTISING ANTITRUST
LITIGATION

X

: No. 21-md-3010 (PKC)

:

x P. Kevin Castel District Judge

This Document Relates To:

AIM Media Ind. Operating, LLC v. Google, LLC, No. 1:21-cv-06912-PKC (S.D.N.Y.)

AIM Media Midwest Operating, LLC v. Google, LLC, No. 1:21-cv-06884-PKC (S.D.N.Y.)

AIM Media Tex. Operating, LLC v. Google, LLC, No. 1:21-cv-06888-PKC (S.D.N.Y.)

Brown Cnty. Publ'g Co., Inc. v. Google, LLC, No. 1:21-cv-06915-PKC (S.D.N.Y.)

Capital Region Indep. Media LLC v. Google LLC, No. 1:22-cv-06997-PKC (S.D.N.Y.)

Clarksburg Publ'g Co., d/b/a WV News v. Google, LLC, No. 1:21-cv-06840-PKC (S.D.N.Y.)

Coastal Point LLC v. Google, LLC, No. 1:21-cv-06824-PKC (S.D.N.Y.)

Eagle Printing Co. v. Google, LLC, No. 1:21-cv-06881-PKC (S.D.N.Y.)

ECENT Corp. v. Google, LLC, No. 1:21-cv-06817-PKC (S.D.N.Y.)

Emmerich Newspapers, Inc. v. Google, LLC, No. 1:21-cv-06794-PKC (S.D.N.Y.)

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[Caption continued on following page.]

<i>Flag Publ'ns, Inc. v. Google, LLC</i> , No. 1:21-cv-06871-PKC (S.D.N.Y.)	x
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<i>Gale Force Media, LLC v. Google, LLC</i> , No. 1:21-cv-06909-PKC (S.D.N.Y.)	:
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<i>Gould Enters., Inc. v. Google, LLC</i> , No. 1:22-cv-01705-PKC (S.D.N.Y.)	:
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<i>HD Media Co., LLC v. Google, LLC</i> , No. 1:21-cv-06796-PKC (S.D.N.Y.)	:
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<i>Journal Inc. v. Google, LLC</i> , No. 1:21-cv-06828-PKC (S.D.N.Y.)	:
	:
<i>Neighborhood Newspapers, Inc. v. Google LLC</i> , No. 1:21-cv-10188-PKC (S.D.N.Y.)	:
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<i>Robinson Commc'ns, Inc. v. Google, LLC</i> , No. 1:21-cv-08032-PKC (S.D.N.Y.)	:
	:
<i>Rome News Media, LLC v. Google LLC</i> , No. 1:21-cv-10186-PKC (S.D.N.Y.)	:
	:
<i>Savannah Publ'g Co. v. Google, LLC</i> , No. 1:22-cv-01693-PKC (S.D.N.Y.)	:
	:
<i>Something Extra Publ'g, Inc. v. Google, LLC</i> , No. 1:21-cv-09523-PKC (S.D.N.Y.)	:
	:
<i>Southern Cmty. Newspapers, Inc. v. Google, LLC</i> , No. 1:22-cv-01971-PKC (S.D.N.Y.)	:
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<i>Times Journal, Inc. v. Google LLC</i> , No. 1:21-cv-10187-PKC (S.D.N.Y.)	:
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<i>Union City Daily Messenger, Inc. v. Google, LLC</i> , No. 1:22-cv-01704-PKC (S.D.N.Y.)	:
	:
<i>Weakley Cnty. Press, Inc. v. Google, LLC</i> , No. 1:22-cv-01701-PKC (S.D.N.Y.)	:
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	x

PLEASE TAKE NOTICE that, upon the accompanying *Memorandum of Law in Support of the Newspaper Plaintiffs' Joint Motion for Leave to Amend*, which is being submitted contemporaneously with this Notice of Motion, Plaintiffs in the twenty-four above captioned civil actions (collectively "the Newspaper Plaintiffs" or "Plaintiffs"),¹ will move this Court, before the Honorable P. Kevin Castel, United States District Judge for the Southern District of New York, located at 500 Pearl Street, New York, NY 10007, at a date and time to be set by the Court, for an Order granting them leave to amend their Complaints pursuant to Rule 15 of the Federal Rules of Civil Procedure and Pretrial Order Nos. 2 and 3 (ECF Nos. 309, 311). As is set forth in the accompanying *Memorandum of Law*, Plaintiffs' Motion should be granted because Plaintiffs may amended their Complaints as a matter of course under Fed. R. Civ. P. 15(a)(1)(B). Plaintiffs' Complaints are pleadings to which a responsive pleading is required, and here, Defendants have not filed a responsive pleading, or motion under Rule 12(b), (e), or (f). *See* Fed. R. Civ. P. 15(a)(1)(B). Even if Plaintiffs were not entitled to amend as a matter of course, Plaintiffs' Motion should nonetheless be granted because the proposed Amended Complaint satisfies the requirements of Fed. R. Civ. P. 15(a)(2), and Plaintiffs' proposed amendments will not cause undue prejudice to Defendants; are made without undue delay, bad faith, or a dilatory motive; and are not futile. *See* Fed. R. Civ. P. 15 (a)(2); *Monahan v. New York City Dep't of Corr.*, 214 F.3d 275, 283 (2d Cir.

¹ Attached to the *Memorandum of Law* as Exhibit 1 is a schedule of the twenty-four civil actions to which this Motion applies. Further, in accordance with Pretrial Order No. 1, attached to the *Memorandum of Law* as Exhibits 2 and 3, respectively, are a clean copy of the proposed Amended Complaint together and a redlined version which delineates the proposed amendments. ECF No. 309. To avoid burdening the Court with unnecessary paperwork, Plaintiffs are seeking leave to file a single, consolidated Amended Complaint supported by a joint motion to amend. *See* Pre-Trial Order No. 1, ECF No. 4, at 3 ("Following the decision on the motion to dismiss the claims in the state case, the Court would allow time for amendments to the complaints in the private cases to be followed by briefing on any motions to dismiss. The plaintiffs in the private actions may wish to consider the desirability of filing one or more consolidated pleadings taking account of the rulings on the motion to dismiss in the state case.")

2000) (“[A]bsent evidence of undue delay, bad faith or dilatory motive on the part of the movant, undue prejudice to the opposing party, or futility, Rule 15's mandate must be obeyed.”).

DATED: October 5, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on October 5, 2022, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ David W. Mitchell

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